

Order dated : 14.1.05

Applicant, Shri Bhima Behera having faced a premature retirement w.e.f. 7.8.97 (for the reasons of his medical de-categorization) vide the order under Annexure-A/1, dated 7.10.97, approached the authorities to provide an employment assistance to his son named Pravanjan Behera. The said prayer of the applicant for an employment assistance to his son Pravanjan Behera on compassionate ground (for maintainance of his distress family) having been turned down by the Divisional Railway Manager (P) of Khurda Road division of South Eastern Railways vide their communication No. P/R/EA/OT/Gr.C/Appt/495/Bhima Behera, dated 6.1.2000, the applicant filed another representation under Annexure-A/4, dated 12.8.03. No heed having been paid to the said representation under Annexure-A/4, dated 12.8.03, the applicant has approached this Tribunal in the present O.A. under Section 19 of the Administrative Tribunal's Act, 1985.

Heard Shri P.K.Nayak, Id. Counsel appearing for the applicant and Mr. R.C.Rath, Id. Standing Counsel for the Railways; on whom a copy of this O.A. had already been served.

The original prayer of the applicant made under Annexure-A/2, dated 9.12.97 (seeking employment assistance on compassionate ground, in order to remove the distress condition of the family) was turned down by the letter dated 6.1.2000 of the DRM (P) of Khurda Road division of South Eastern Railways, the text of which is extracted below :—

"The instant case has been examined in

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

detail and was put up to the competent authority for decision.

It has been decided that, there does not exist any reasonable ground to offer employment assistance to Sri Pravanjan Behera. Hence, the request for employment assistance is regretted."

The prayer for employment assistance having been rejected without disclosing any reason, the above extracted order is a non-sustainable.

It appears the employment assistance scheme was not extended to employees taking voluntary retirement on medical de-categorization and that is why, the benefit of employment assistance was not extended to the family of the applicant. By placing certain materials on record as Annexure-A/3 to the O.A., Mr. Nayak, Ld. Counsel for the applicant as stressed to say that employment assistance benefits were also available to be granted to the distress family of employees facing pre-mature retirement in the reason of medical de-categorization, and, therefore, the rejection of the claim on 6.1.2000 was un-just. It is the case of the Ld. Counsel for the applicant that in the aforesaid premises, the representation under Annexure-A/4, dated 12.8.03 deserved re-consideration by the Respondents.

Since the rejection order dated 6.1.2000 was a non-sustainable one (for the same was issued without disclosing any reason), the objection pertaining to limitation/delay in approaching this Tribunal, as raised by Mr. R.C.Rath, Ld. Standing Counsel for the Railways, is hereby over ruled. However,

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

while doing so, liberty is hereby granted to the Railways to reconsider the matter pertaining to grant of employment assistance to one of the family members of the ex-employee/applicant by keeping in mind the provisions pertaining to grant of employment assistance to the family members of medically de-categorized Railway employees. Liberty is also granted to the applicant to place adequate materials before the authorities to satisfy them that the family of the applicant really remained under distress condition, following the premature retirement. The applicant may put up adequate materials before the authorities by end of January, 2005 and if any such materials are placed by end of January, 2005, the Respondents shall give due consideration to the grievance of the applicant by end of April, 2005.

With the aforesaid observation and direction, this O.A. is disposed of at admission stage.

Send copies of this order to the Respondents along with copies of the O.A. and a free copies of this order be also handed over to the Id. Counsels appearing for both the parties.

14.01.05
MEMBER (JUDICIAL)

Copy 2 order dt. 14-1-05
a/w O.A. copy issued
to all the nepsols by
Post. The same copy
of order issued to the
Council for both side.

14/1/05
S.O.

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